

ORIGINAL



0000075483

BEFORE THE ARIZONA CORPORATION COMMISSION

094

MIKE GLEASON
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
KRISTIN K. MAYES
Commissioner
GARY PIERCE
Commissioner

2007 JUL 26 P 4: 01

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 26 2007

DOCKETED BY

John

IN THE MATTER OF THE COMMISSION ON ITS
OWN MOTION INVESTIGATING THE FAILURE
OF NUMEROUS UTILITIES FILE ANNUAL
REPORTS FOR CALENDAR YEAR 2005.

DOCKET NO. C-00000A-07-0430

COMPLAINT AND PETITION
FOR AN ORDER TO SHOW CAUSE

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") hereby brings this Complaint and Petition for Order to Show Cause against the following respondents:

DOCKET NO	COMPANY NAME
T-03902A	CENTURYTEL SOLUTIONS, LLC
T-03092A	COMMONWEALTH LONG DISTANCE CO., dba CLD
T-03497A	CONNECTAMERICA, INC. dba CONNECT US OF DELAWARE
T-03961A	EARLAND E CASS
T-03882A	ENKIDO, INC.
T-03920A	EN-TOUCH SYSTEMS, INC.
T-04165A	EXERGY GROUP, LLC
T-03416A	GERLACH ENTERPRISES, INC. dba GCI
T-04105A	GLOBAL INTERNETWORKING, INC.
W-02271A	GREEN ACRES WATER COMPANY
T-03068A	HEATH COMMUNICATIONS, INC.
T-03372A	INMARK, INC. dba PREFERRED BILLING
T-04115A	JACK BELOVE dba TUCSON PAYPHONES
W-03853A	LAKE VERDE WATER COMPANY
T-03174A	LIGHTYEAR COMMUNICATIONS, INC.
T-03853A	MAXCESS, INC.
W-02164A	MORRISTOWN WATER COMPANY
T-04001A	MULTA COMMUNICATIONS, CORP. dba MULTACOM
T-03505A	NICKEA COMMUNICATION, LLC

1	T-03989A	NTC NETWORK LLC
	W-04069A	OATMAN WATER COMPANY, LLC
2	W-01774A	PICACHO WATER IMPROVEMENT
	T-04005A	QUICK TEL, INC.
3	W-01958A	ROOSEVELT LAKE RESORT, INC.
4	T-04243A	SANO CORPORATION dba MARYLAND WEST APARTMENTS
	T-04055A	STEVE HALSTEAD dba PUBLIC PHONE
5	W-01407A	STRAWBERRY WATER COMPANY
	W-01344A	TACNA WATER COMPANY
6	T-03363A	TELETRUST, INC.
7	T-04172A	TELLOGIC dba QUALITY TELEPHONE
	T-04288A	TELRITE CORPORATION
8	T-04000A	TELSEON CARRIER SERVICES, INC.
	T-04070A	TOLL CALL, INC.
9	T-04224A	TOTAL CALL INTERNATIONAL, INC.
10	T-03439A	UNITED SERVICES TELEPHONE, LLC
	W-02148A	VALLEY VIEW WATER COMPANY, INC.
11	T-03998A	VISTA VOICE & DATA INC.
	W-01983A	VOYAGER AT WHITE MOUNTAIN LAKES WATER CO.
12	T-03820A	W2COM INTERNATIONAL, LLC
	T-04270A	WEILCOPAIT, LTD
13	W-04161A	WHITE HORSE RANCH OWNERS ASSOCIATION, INC.
14	W-01084A	WILLIAM P. FARR dba SALOME WATER COMPANY

15
16 Staff, for its Complaint, alleges as follows:

17 **I**

18 The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of
19 the Arizona Constitution.

20 **II**

21 Respondents are public service corporations as defined by Article 15, Section 2 of the
22 Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance
23 with Arizona Revised Statutes Section 40-281.

24 **III**

25 As public service corporations, respondents are subject to the jurisdiction of the
26 Commission with regard to the matters herein alleged.

27 ...
28

IV

This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

V


Investigation by the Staff reveals that Respondents have violated Arizona Revised Statutes and Commission Rules. Staff alleges the following in support of this claim:

- A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.
- B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.
- C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

VI

The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

RESPECTFULLY SUBMITTED this 26th day of July, 2007.


Charles H. Hains, Attorney, Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-6026

1 The original and eighteen (18) copies
2 of the foregoing were filed this
26th day of July, 2007 with:

3 Docket Control
4 Arizona Corporation Commission
1200 West Washington Street
5 Phoenix, Arizona 85007

6 Copy of the foregoing mailed on the
7 27th day of July, 2007 to:

8 CenturyTel Solutions, LLC
9 100 Century Park Dr.
Monroe, LA 71203

10 Commonwealth Long Distance Company
11 CLD

12 105 Carnegie Center
Princeton, NJ 08540

13 Monica Borne Haab
14 ConnectAmerica, Inc.
Connect US of Delaware
15 1842 Centre Point Dr., Ste. 128
16 Naperville, IL 60563

17 Earland E Cass
16823 N. 1st Lane, Ste. 11
18 Phoenix, AZ 85023

19 Nayle Shafei
20 Enkido, Inc.
401 Hackensack Ave., 5th Floor
21 Hackensack, NJ 07601

22 Thomas H. Campbell
Michael T. Hallam
23 En-Touch Systems, Inc.
13105 Northwest Freeway, Ste. 1020
24 Houston, TX 77040

25 Chady Manager
26 Exergy Group, LLC
1550 West 84th St., Ste. 58
27 Hialeah, FL 33014
28

Al Gerlach
Gerlach Enterprises, Inc.
GCI
3002 Fiechtner Dr, Ste I
Fargo, ND 58103

Patrick Crocker
Global Internetworking, Inc.
900 Comerica Building
Kalamazoo, MI 49007-4652

Thomas Campbell
Michael Hallam
Green Acres Water Company
2891 Patricia Lane
Yuma, AZ 85364

Jim Heath
Heath Communications, Inc.
PO Box 86143
Tucson, AZ 85754

Steven Clay
Inmark, Inc.
Preferred Billing
7300 Hudson Blvd Ste 265
Oakdale, MN 55128

Jack Belove
Tucson Payphones
62699 E. Mesa Crest Court
Tucson, AZ 85739

1	Lake Verde Water Company	John Byrne
2	PO Box 2777	Roosevelt Lake Resort, Inc.
3	Camp Verde, AZ 86322	HCO 2, Box 901
		Roosevelt, AZ 85545
4	Douglas Orvis	
5	Lightyear Communications, Inc.	Ann Boomsma
6	1901 Eastpoint Parkway	Sano Corporation
7	Louisville, KY 40223	dba Maryland West Apartments
		2540 W. Maryland Ave
8	Lance Steinhart	Phoenix, AZ 85017
9	Maxcess, Inc.	
10	100 W. Lucerne Plaza, Ste. 500	Steve Halstead
11	Orlando, FL 32801	Public Phone
12		12188 Central Avenue, #323
13	Morristown Water Company	Chino, CA 91710
14	P.O. Box 156	
15	Morristown, AZ 85342	Strawberry Water Company
16		203A W. Airport Rd
17	Caroline Roberts	Payson, AZ 85541
18	Multa Communications, Corp.	
19	13191 Crossroads Pkwy N., Ste. 505	Kay Kelland
20	City of Industry, CA 91746	Tacna Water Company
21		2993 S. AZ Ave
22	Mark Wright	Yuma, AZ 85365
23	Nickea Communication, LLC	
24	5020 N Lak A Yucca	Teletrust, Inc.
25	Tucson, AZ 85743	5760 40th Street #C
26		Lubbock, TX 79407
27	Eric Bender	
28	NTC Network LLC	TelLogic
	633 W. 5th St., 56th Floor	Quality Telephone
	Los Angeles, CA 90071	PO Box 7310
		Dallas, TX 752090310
	Steve Anderson	
	Oatman Water Company, L.L.C.	Telrite Corporation
	9184 N. 81st Street	4113 Monticello St
	Scottsdale, AZ 85258	Covington, GA 30014
	Picacho Water Improvement	Rogera Harris
	PO Box 44	Alexander Stokas
	Picacho, AZ 85421	Telseon Carrier Services, Inc.
		7887 E. Bellevue, Ste. 600
	Sam Bell	Englewood, CA 80111
	Quick Tel, Inc.	
	324 Trinity Place	
	Elizabeth, NJ 07201	

1 Jacque Wood
2 Toll Call, Inc.
3 6000 Live Oak Pkwy., Ste. 111-A
Norcross, GA 30093

4 Total Call International, Inc.
5 707 Wilshire Blvd., 12th Floor
Los Angeles, CA 90017

6 Steve Bleser, President
7 United Services Telephone, L.L.C.
8 475 Metroplex Dr., Ste. 106
Nashville, IN 37211

9 Valley View Water Company Inc.
10 PO Box 12490
Scottsdale, AZ 85267

11 Charles David
12 Vista Voice & Data Inc.
13 130 N. Central, 3rd Floor
Phoenix, AZ 85004

14 Mary Beth Savel
15 Voyager at White Mountain Lakes
16 Water Company, Inc.
17 P.O. Box 90890
White Mountain Lake, AZ 85912

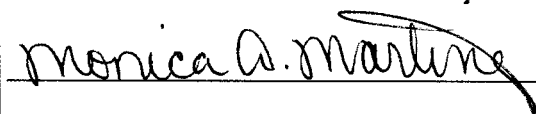
W2Com International, LLC
3500 Park Center Dr
Dayton, OH 45414

Richard Weil
WeilcoPAIT, Ltd.
719 S. Buckskin Terrace
Gilbert, AZ 85296

White Horse Ranch Owners Association, Inc.
PO Box 10516
Prescott, AZ 86304

William P. Farr
Salome Water Company
P.O. Box 550
Salome, AZ 85348

Mr. Ernest G. Johnson
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

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1
2 **BEFORE THE ARIZONA CORPORATION COMMISSION**

3 JEFF HATCH-MILLER

Chairman

4 WILLIAM A. MUNDELL

Commissioner

5 MIKE GLEASON

Commissioner

6 KRISTIN K. MAYES

Commissioner

7 GARY PIERCE

Commissioner

8
9 IN THE MATTER OF THE COMMISSION }
10 ON ITS OWN MOTION INVESTIGATING }
11 THE FAILURE OF NUMEROUS }
12 UTILITIES TO FILE ANNUAL REPORTS }
13 FOR CALENDAR YEAR 2005 }

DOCKET NO. C-00000A-07-07430

DECISION NO. _____

ORDER TO SHOW CAUSE

14 Open Meeting
15 August 21 and 22, 2007
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 The Arizona Corporation Commission ("Commission"), hereby issues this Order to Show
19 Cause against the following respondents:

DOCKET NO.	COMPANY NAME
T-03902A	CENTURYTEL SOLUTIONS, LLC
T-03092A	COMMONWEALTH LONG DISTANCE CO., dba CLD
T-03497A	CONNECTAMERICA, INC. dba CONNECT US OF DELAWARE
T-03961A	EARLAND E CASS
T-03882A	ENKIDO, INC.
T-03920A	EN-TOUCH SYSTEMS, INC.
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T-03416A	GERLACH ENTERPRISES, INC. dba GCI
T-04105A	GLOBAL INTERNETWORKING, INC.
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T-03068A	HEATH COMMUNICATIONS, INC.
T-03372A	INMARK, INC. dba PREFERRED BILLING
T-04115A	JACK BELOVE dba TUCSON PAYPHONES
W-03853A	LAKE VERDE WATER COMPANY

1	T-03174A	LIGHTYEAR COMMUNICATIONS, INC.
2	T-03853A	MAXCESS, INC.
3	W-02164A	MORRISTOWN WATER COMPANY
4	T-04001A	MULTA COMMUNICATIONS, CORP. dba MULTACOM
5	T-03505A	NICKEA COMMUNICATION, LLC
6	T-03989A	NTC NETWORK LLC
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8	W-01774A	PICACHO WATER IMPROVEMENT
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10	W-01958A	ROOSEVELT LAKE RESORT, INC.
11	T-04243A	SANO CORPORATION dba MARYLAND WEST APARTMENTS
12	T-04055A	STEVE HALSTEAD dba PUBLIC PHONE
13	W-01407A	STRAWBERRY WATER COMPANY
14	W-01344A	TACNA WATER COMPANY
15	T-03363A	TELETRUST, INC.
16	T-04172A	TELLOGIC dba QUALITY TELEPHONE
17	T-04288A	TELRITE CORPORATION
18	T-04000A	TELSEON CARRIER SERVICES, INC.
19	T-04070A	TOLL CALL, INC.
20	T-04224A	TOTAL CALL INTERNATIONAL, INC.
21	T-03439A	UNITED SERVICES TELEPHONE, LLC
22	W-02148A	VALLEY VIEW WATER COMPANY, INC.
23	T-03998A	VISTA VOICE & DATA INC.
24	W-01983A	VOYAGER AT WHITE MOUNTAIN LAKES WATER CO.
25	T-03820A	W2COM INTERNATIONAL, LLC
26	T-04270A	WEILCOPAIT, LTD
27	W-04161A	WHITE HORSE RANCH OWNERS ASSOCIATION, INC.
28	W-01084A	WILLIAM P. FARR dba SALOME WATER COMPANY

FINDINGS OF FACT

The Commission, for its Complaint, and order to show cause alleges as follows:

1. The Commission is an agency of the State of Arizona, existing by virtue of Article 15 of the Arizona Constitution.

2. Respondents are public service corporations as defined by Article 15, Section 2 of the Arizona Constitution, and were issued Certificates of Convenience and Necessity in accordance with Arizona Revised Statutes Section 40-281.

3. As public service corporations, respondents are subject to the jurisdiction of the Commission with regard to the matters herein alleged.

...

4. This Complaint is initiated and authorized pursuant to Arizona Revised Statutes, Sections 40-202, 40-204, 40-425, 40-426, and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

5. Investigation by the Commission's Staff ("Staff") reveals and the Commission alleges that Respondents have violated Arizona Revised Statutes and Commission Rules. The Commission alleges the following in support of this claim:

A. Pursuant to Arizona Revised Statutes Section 40-204 and Arizona Administrative Code R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4, R14-2-907.A., R14-2-1011.A., and R14-2-1115.F., all public service corporations in Arizona are required to file an annual report on or before April 15 of each year.

B. Despite repeated attempts by the Staff to persuade Respondents to file such reports, Respondents have failed to do so and are thus in violation of Arizona Revised Statutes Section 40-204 and Arizona Administrative Code, R14-2-411.D.4, R14-2-510.G.4, R14-2-610.D.4., R14-2-907.A., R14-2-1011.A., and R14-2-1115.F.

C. Pursuant to Arizona Revised Statutes Section 40-204, Respondents are in contempt of the Commission for their failure to comply with the aforementioned rules and requirements of the Commission.

6. The violations of Respondents to the aforementioned rules and requirements, as alleged herein, constitutes grounds to assess a civil penalty against Respondents pursuant to Arizona Revised Statutes Section 40-424 and 40-425, in an amount not less than \$100 nor more than \$5,000 for each violation, and/or revoke respondents certificate of convenience and necessity.

CONCLUSIONS OF LAW

1. The Respondents are public service corporations within the meaning of Article XV of the Arizona Constitution and is subject to the jurisdiction of the Commission.

2. The Commission has jurisdiction over the subject matter of Staff's Complaint and Petition for Order to Show Cause.

3. Notice of this proceeding has been given in accordance with law.

ORDER

THEREFORE IT IS ORDERED that Respondents appear before the Arizona Corporation Commission at a time and place designated by the Commission's Hearing Division and show

cause why the Commission should not find Respondents in violation and contempt of Arizona Laws and Commission rules, and show cause why the Commission should not assess against Respondents penalties as provided in Arizona Revised Statutes Sections 40-424 and 40-425, and/or cancel the respondents certificate of convenience and necessity.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2007.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

EGJ:KDB:lh\CH

1 DOCKET NO. C-00000A-07-0430

2

3 T-03902A
4 CenturyTel Solutions, LLC
5 100 Century Park Dr.
6 Monroe, LA 71203

7 T-03092A
8 Commonwealth Long Distance Company
9 CLD
10 105 Carnegie Center
11 Princeton, NJ 08540

12 T-03497A
13 ConnectAmerica, Inc.
14 Connect US of Delaware
15 1842 Centre Point Dr., Ste. 128
16 Naperville, IL 60563

17 T-03961A
18 Earland E Cass
19 16823 N. 1st Lane, Ste. 11
20 Phoenix, AZ 85023

21 T-03882A
22 Enkido, Inc.
23 401 Hackensack Ave., 5th Floor
24 Hackensack, NJ 07601

25 T-03920A
26 En-Touch Systems, Inc.
27 13105 Northwest Freeway, Ste. 1020
28 Houston, TX 77040

29 T-04165A
30 Exergy Group, LLC
31 1550 West 84th St., Ste. 58
32 Hialeah, FL 33014

33 T-03416A
34 Gerlach Enterprises, Inc.
35 GCI
36 3002 Fiechtner Dr, Ste I
37 Fargo, ND 58103

38

39

T-04105A
Global Internetworking, Inc.
% Patrick Crocker
900 Comerica Bldg
Kalamazoo, MI 49007

W-02271A
Green Acres Water Company
2891 Patricia Lane
Yuma, AZ 85364

T-03068A
Heath Communications, Inc.
PO Box 86143
Tucson, AZ 85754

T-03372A
Inmark, Inc.
Preferred Billing
7300 Hudson Blvd Ste 265
Oakdale, MN 55128

T-04115A
Jack Belove
Tucson Payphones
62699 E. Mesa Crest Court
Tucson, AZ 85739

W-01557A
Lake Verde Water Company
PO Box 2777
Camp Verde, AZ 86322

T-03174A
Lightyear Communications, Inc.
1901 Eastpoint Parkway
Louisville, KY 40223

T-03853A
Maxcess, Inc.
100 W. Lucerne Plaza, Ste. 500
Orlando, FL 32801

1	W-02164A	T-04055A
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3	P.O. Box 156	Public Phone
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5	T-04001A	Chino, CA 91710
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7	Multacom	Strawberry Water Company
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13	Tucson, AZ 85743	Yuma, AZ 85365
14	T-03989A	T-03363A
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16	633 W. 5th St., 56th Floor	5760 40th Street #C
17	Los Angeles, CA 90071	Lubbock, TX 79407
18	W-04069A	T-04172A
19	Oatman Water Company, L.L.C.	TelLogic
20	9184 N. 81st Street	Quality Telephone
21	Scottsdale, AZ 85258	PO Box 7310
22	W-01774A	Dallas, TX 75209-0310
23	Picacho Water Improvement	T-04288A
24	PO Box 44	Telrite Corporation
25	Picacho, AZ 85421	4113 Monticello St
26	T-04005A	Covington, GA 30014
27	Quick Tel, Inc.	T-04000A
28	324 Trinity Place	Telseon Carrier Services, Inc.
	Elizabeth, NJ 07201	7887 E. Bellevue, Ste. 600
	W-01958A	Englewood, CA 80111
	Roosevelt Lake Resort, Inc.	T-04070A
	HCO 2, Box 901	Toll Call, Inc.
	Roosevelt, AZ 85545	6000 Live Oak Pkwy., Ste. 111-A
	T-04243A	Norcross, GA 30093
	Sano Corporation	T-04224A
	dba Maryland West Apartments	Total Call International, Inc.
	2540 W. Maryland Ave	707 Wilshire Blvd., 12th Floor
	Phoenix, AZ 85017	Los Angeles, CA 90017

1 T-03439A
United Services Telephone, L.L.C.
2 475 Metroplex Dr., Ste. 106
3 Nashville, IN 37211

4 W-02148A
Valley View Water Company Inc.
5 PO Box 12490
6 Scottsdale, AZ 85267

7 T-03998A
Vista Voice & Data Inc.
8 130 N. Central, 3rd Floor
Ste. 303
9 Phoenix, AZ 85004

10 W-01983A
Voyager at White Mountain Lakes Water
11 Company, Inc.
12 P.O. Box 90890
White Mountain Lake, AZ 85912

13 T-03820A
14 W2Com International, LLC
15 3500 Park Center Dr
Dayton, OH 45414

16 T-04270A
17 WeilcoPAIT, Ltd.
18 719 S. Buckskin Terrace
Gilbert, AZ 85296

19 W-04161A
20 White Horse Ranch Owners Association, Inc.
PO Box 10516
21 Prescott, AZ 86304

22 W-01084A
23 William P. Farr
Salome Water Company
24 P.O. Box 550
Salome, AZ 85348

25 Mr. Ernest G. Johnson
26 Director, Utilities Division
27 Arizona Corporation Commission
1200 West Washington
28 Phoenix, Arizona 85007

Mr. Christopher C. Kempley
Chief Counsel
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Decision No. _____